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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,235	03/12/2004	Brian R. Foucher	M0407-00006	7526
33222 7590 07/11/2007 JONES, WALKER, WAECHTER, POITEVENT, CARRERE & DENEGRE, L.L.P. 5TH FLOOR, FOUR UNITED PLAZA 8555 UNITED PLAZA BOULEVARD BATON ROUGE, LA 70809			EXAMINER WENDELL, MARK R	
			ART UNIT 3609	PAPER NUMBER
			MAIL DATE 07/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/799,235	FOUCHER ET AL.	
	Examiner	Art Unit	
	Mark R. Wendell	3609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/30/2006, 7/5/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 12 is objected to because of the following informalities: The word "an" in line 2 should be changed to "a." Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2, lines 1 and 2, claims "providing a second structure section" where claim one already claims a "plurality of structure sections," therefore failing to limit claim 1. Claim 2 also recites the limitation "unfolding said second structure section" in line 3. There is insufficient antecedent basis for this limitation in the claim because the second structure section was never previously folded.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 8-11, 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Couse (US 2765499). Couse discloses a structure in Figures 1-4 comprising:

- A plurality of sections (8, 33, 72, 73) having structural supports (48, 49) and mechanical connections (34) with one another;
- Internal and external finishing features (82).

Couse also discloses in paragraph 1, lines 34-46 that the claimed invention collapses into a shipping container and it able to be transported and reconstructed at a second, suitable site.

The combination as described above renders the claimed method steps obvious since such would be logical manner of using the combination. The examiner notes that the claimed method steps within claim 1 are logical steps in manufacturing and assembling many structures other than buildings. For example, large furniture warehouse stores provide a plurality of structural sections (cabinets, chairs, storage containers, etc.) with structural supports that are placed in compact shipping orientation and then when purchased by a consumer are transported to a second location and assembled according to a manual.

Regarding claim 3, Couse illustrates in Figure 4 four structure sections that are rotatably connected (72, 73) to doors (60) and walls (33).

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Regarding claim 4, Couse illustrates in Figure 4 the internal and external finish features being applied prior to the structure being put into its compact shipping orientation.

Regarding claim 8, Couse discloses a prefabricated structure in Figure 4 with a plurality of structure sections (8, 33, 72, 73) with supports and being adapted for self-alignment.

Regarding claims 9-11, Couse illustrates in Figure 4 four structure sections that are rotatably connected (72, 73) to doors (60) and walls (33). The examiner notes that sections 72 and 73 are slidably attached to section 17 when installed. The examiner further notes that sections 72 and 73 have hinging elements (71 and 71a) and thus would have an open and closed relationship relative to the second ceiling/floor structure (31).

Regarding claims 15 and 16, Couse discloses a segment of a prefabricated structure configurable to fit into a shipping container comprising:

- A first floor/ceiling section (17) and first and second wall sections (33) attached thereto;
- A second floor/ceiling section (31) attached to the first and second wall sections (33);
- A third (73) and fourth wall (72) section rotatably attached to the second floor/ceiling section (31);

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- A third floor/ceiling section (10, 11) attached to third (73) and fourth wall (72) sections.

Regarding claim 17, the segment as described above is assembled for human occupancy (see Figure 3).

Regarding claim 18, sections 72 and 73 of Couse are rotatably attached to sections 33 and 60 via hinge members (71, 71a).

Regarding claims 19 and 20, Couse illustrates in Figure 4 a section of a building comprising structural supports (48), a first finish surface (73), and a rotatable self-aligning means (71a) for attaching to a second building section (33 or 40).

Claims 2, 5-7, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Couse (US 2765499) as applied to claims 1, 3, 4, 8-9, 15-20 above, and further in view of Price et al. (US 6253530). It is described above what is disclosed by Couse. Couse does not disclose providing multiple building structures or utility components. Price illustrates in Figure 1 a second building structure (108) attached adjacent to the first building structure (100) to form one building. It would have been obvious to one having ordinary skill in the art at the time of invention to combine two building structures as disclosed by Couse into one as taught by Price to provide more space within the

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structure for use as a garage, storage, etc. The examiner notes that Couse illustrates in Figure 4 the building structure sections being unfolded.

Regarding claims 5-7, Price discloses in Paragraph 55 a utility or HVAC chase integrally providing an electrical racetrack romex conduit or a gas line housing. Also, in paragraph 71, Price discloses the installation of water supply pipes. It would have been obvious to one having ordinary skill in the art at the time of invention to include utility components such as pipes and cables within the structure claimed by Couse to provide heat, electricity, water and other necessities to the inhabitants of the structure.

Regarding claim 21, Couse illustrates in Figure 10 a first and second finished surface with utility lines (43) and flexible connectors (44) intermediate.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Couse (US 2765499) in view of Price et al. (US 6253530) as applied to claims 2, 5-7, and 21 above, and further in view of Andres (US 3120033). It is described above what is disclosed by Couse in view of Price. Couse in view of Price does not disclose a plurality of arms on one end of the first wall section having a wheel and track at an opposite end. However, Andres discloses a sliding door (10) comprising:

- A plurality of arms (30, 38) rotatably attached to the first wall section;
- A first arm (38), attached to a structural support (26), with a wheel (34) riding on tracks (40).

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It would have been obvious to one of ordinary skill in the art at the time of invention to replace the rigid rotatable door of Couse in view of Price with a sliding door as taught by Andres in order to have easier access into the building or simply as a matter of design choice.

Conclusion

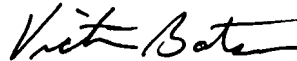
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bigelow (US 6332298) teaches portable building construction. Davis et al. (US 6463705) teaches a container for prefabricated transportable buildings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Wendell whose telephone number is (571) 270-3245. The examiner can normally be reached on Mon-Fri, 7:30AM-5PM, Alt. Fri off, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on (571) 272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Victor Batson
Supervisory Patent Examiner
Art Unit 3609

MRW
June 28, 2007